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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/098,650	03/15/2002	Bernhard Jakoby	10191/2310	7377

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EXAMINER

POLITZER, JAY L

ART UNIT	PAPER NUMBER
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2856

DATE MAILED: 02/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/098,650

Applicant(s)

Bernhard et al

Examiner

Jay Politzer

Art Unit

2856



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Mar 15, 2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some\* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 6 6) ☐ Other:

Serial Number: 10/098,850

Art Unit: 2856

Title: MEASURING SYSTEM FOR A VISCOSITY MEASUREMENT OF  
LIQUIDS

Filed: 3/15/02

Inventor(s): Bernhard et al

### ***DETAILED ACTION***

#### **REJECTIONS UNDER 35 U.S.C. § 112:**

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 14 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For example:

If the container is hermetically sealed, how does the liquid contact the vibrating element?

#### **REJECTIONS OVER PRIOR ART UNDER 35 U.S.C. § 103:**

3. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

"A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same

person or subject to an obligation of assignment to the same person."

4. Claims <sup>1-7</sup>~~1-13~~ and 15-19 are rejected under 35 U.S.C. § 103 as being unpatentable over Martin et al, hereinafter Martin in view of Igaki et al, hereinafter Igaki.

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Regarding Claims 1-4; Martin teaches the entire claim in the introduction except for the use of conductive adhesive coupling. Igaki teaches the benefits of conductive adhesive couplings at Col 5, Li 37-61. It would have been obvious to one of ordinary skill in the art at the time of the invention to use Igaki's conductive adhesive couplings in Martin to isolate the piezo element from shock and vibration.

Regarding Claim 5; see Martin, P 214, top of Col 2.

Regarding Claims 6 and 17; see Igaki, Col 5, Li 41-60.

Regarding Claim 7; neither Martin nor Igaki teach bifurcated contact spring conductors. It would have been obvious to one of ordinary skill in the art at the time of the invention to use bifurcated contact spring conductors because these have been used since the early days of radio for interchangeable quartz crystals.

Regarding Claims 15-16; see Igaki, Col 6, Li 1-5.

Regarding Claim 18; see Igaki, Col 19, Li 23.

Regarding Claim 19; for densities of gold, nickel and resin of 19.3gm/cc, 8.9gm/cc and 1gm/cc, respectively, 1cc of metal meets the claim requirement and is given by Igaki at Col 7, Li 44.

5. Claims 8-14 are rejected under 35 U.S.C. § 103 as being unpatentable over Martin in view of Igaki as applied to claim 1, above, and further in view of Wilson et al, hereinafter Wilson.

Regarding Claim 8; Martin/Igaki fail to teach a protective container. Wilson teaches a protective container in Fig 7, wherein the vibratory element is sandwiched between 12 and 16. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a protective container in Martin to shield the sensitive element from hazards.

Regarding Claims 9 and 11; Wilson fails to teach bushings but does teach external connections via element 46 and the metallic casing 42. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide bushings or any number of art recognized equivalent arrangements to provide external connections.

Regarding Claim 10; Wilson fails to teach glass bushings. However, it is notoriously old and well

Serial Number: 10/098,850

Art Unit: 2856

known in the electrical arts to employ glass feed-throughs for protection and insulation.

Regarding Claims 12-13; see opening 44.

Regarding Claim 14; it is obvious that almost any container is hermetically sealable.

**DESCRIPTION OF UNAPPLIED ART:**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure because it teaches other adhesives.

**INQUIRIES:**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Jay L. Politzer whose telephone number is (703) 305-4930 and whose facsimile number is (703) 308-7382
8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Hezron E. Williams, can be reached at (703) 305-4705.
9. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4900.

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72P

HELEN KWOK  
PRIMARY EXAMINER

*Helen Kwok*